

## THE ABOUSHI LAW FIRM, PLLC

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December 14, 2016

**VIA ECF and FACSIMILE 212-805-7927**

Hon. Naomi Reice Buchwald  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: Mohammed Abujayyab v. The City of New York, et al.  
Docket No.: 1:15-cv-10080-NRB**

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Dear Hon. Buchwald,

Our office represents Plaintiff Mohammed Abujayyab in connection with the above referenced matter. We write in response to Defendant's opposition to Plaintiff's request for leave to file an Amended Complaint.

Defendants' cannot have it both ways. Police Officer Derek Pasolini and Sergeant Leona Villegas are listed in the Omni form arrest report as Plaintiff's arresting officers. That information lends itself to Plaintiff's claims for false arrest and false imprisonment. Although Defendants claim that the arresting officer has not been identified, the Omni form states otherwise. Furthermore, the City has yet to disclose the identity of the white shirted officer depicted assaulting Plaintiff in the MSNBC video although his face is clearly visible in the video. Plaintiff has properly stated claims against the aforementioned officers as a result of the information contained in the Omni form. As to the "John Doe" officers still listed in the caption of the Complaint, that has remained to hold the place of any individuals that are disclosed by Defendants at a later time, specifically, the unidentified white shirted officer. Plaintiff should be granted leave to amend the complaint to include information that is in the sole custody and control of Defendants.

If the Court is inclined to deny Plaintiff's request, we ask that the statute of limitations for naming additional law enforcement personnel as Defendants herein be tolled until Defendants have fully and properly disclosed the names of all officers involved and that Defendants be precluded from opposing Plaintiff's future request to amend the Complaint to conform to information that is made available at said time.

Sincerely,

/S/  
Tahanie A. Aboushi, Esq.

**VIA ECF:**

Ashleigh Garman, Esq.  
Attorneys for Defendants